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July 28, 2026

VIA *ELECTRONIC MAIL*: OCRComplaint@hhs.gov

U.S. Department of Health and Human Services
Office for Civil Rights
Hubert H. Humphrey Bldg.
200 Independence Avenue, SW
Washington, DC 20201-0004

**Re: Complaint under Title VI and the ACA Against Nemours
Children's Health – Race Discrimination in Training Program**

To whom this may concern:

Pursuant to Title VI of the Civil Rights Act of 1964 and Section 1557 of the Affordable Care Act (ACA), Do No Harm files this complaint against Nemours Children's Health—a nonprofit healthcare system.¹ Nemours is unlawfully discriminating against white students and other races it disfavors through its "Visiting Student Scholar Program." As Nemours candidly admits, this program is open only to certain groups—including "racial" groups—that Nemours considers "underrepresented."² *See Nemours Children's Visiting Student Scholar Program*, Nemours Children's Health, perma.cc/WR7A-28G5 (archived July 2, 2026).

That is illegal. Racial discrimination is "invidious in all contexts." *SFFA v. Harvard*, 600 U.S. 181, 214 (2023) (cleaned up). As a nonprofit healthcare system that takes federal funds, Nemours is subject to Title VI. And "[s]imple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." *Barbour v. WMATA*, 374 F.3d 1161, 1170 (D.C. Cir. 2004). Accordingly, Title VI prohibits Nemours from "us[ing] race as a factor" in its

¹ Nemours Children's Health is located at 10140 Centurion Parkway North, Jacksonville, FL 32256. *See Nemours, Contact Us*, perma.cc/94JS-M4JQ (archived July 3, 2026).

² Beyond Nemours' policy of racial discrimination, the organization also defines and selects its "scholars" on the basis of a medical students' "religious" affiliation.

activities, including in awarding scholarship opportunities to students. *SFFA*, 600 U.S. at 204 (cleaned up). Likewise, the ACA makes doubly clear that healthcare programs and activities may not be doled out on the basis of race. *See* 42 U.S.C. §18116(a).

This Office has the statutory duty to investigate and rectify violations of Title VI and the ACA by healthcare providers that accept federal funds. *See* 45 C.F.R. §§80.3, 80.7. Do No Harm respectfully requests that the Office open an investigation and remedy Nemours’ race discrimination.

I. Nemours Children’s Health’s Visiting Student Scholar Program discriminates on the basis of race.

Nemours Children’s Health “is one of the largest integrated pediatric health systems in the country,” serving nearly a half million children across more than 70 locations in six states and training nearly 2,500 residents, fellows, and medical students each year. *See About Nemours*, perma.cc/HKW4-TS7T (archived July 9, 2026).

Embedded in its mission, Nemours consciously “ensur[es] that health equity and inclusion goals are at the top of the organization’s short- and long-term planning priorities.” R. Lawrence Moss, *America Without Limits: Attacking Racial Health Disparities at Birth and Beyond* 6, perma.cc/TNA2-CZT9 (archived July 2, 2026). It endeavors to “attack and manage the causes of racial health disparities,” including by intentionally diversifying its staff and enacting mandatory training programs. *Id.* at 5. As part of these efforts, Nemours operates the “Visiting Student Scholar Program.” *Nemours Children’s Visiting Student Scholar Program*, *supra*. This program offers fourth-year medical students clinical and educational opportunities, professional mentorship, and a “competitive stipend.” *Id.*

This program, however, discriminates on the basis of race. Emphasizing its “commitment [to] helping build a culturally competent, health care workforce,” Nemours “will accomplish” its mission by “going well beyond medicine.” *Id.* Nemours accordingly limits access to its Visiting Student Scholar Program to students who it considers “underrepresented in medicine”: in their words, only select “racial, ethnic, religious, socioeconomic, or ability status group[s]” need apply. *Id.* To the extent that Nemours doesn’t consider whites or other racial groups to be underrepresented in medicine, they are disfavored or even ineligible candidates unless they “overcome additional hurdles” by belonging to other groups favored by Nemours. *Nuziard v. Minority Bus. Dev. Agency*, 721 F. Supp. 3d 431, 473 (N.D. Tex. 2024). But under Title

VI “[o]ne of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.” *SFFA*, 600 U.S. at 220 (cleaned up).

II. Nemours Children’s race discrimination violates federal law.

Nemours’ racial discrimination violates Title VI and the ACA. Under Title VI, “[n]o person in the United States shall, on the ground of race ... be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. §2000d.

Nemours Children’s Health is a nonprofit healthcare provider that benefits from substantial federal funding. *See About Nemours, supra* (“We’re ranked 14th for National Institutes of Health research funding, out of 150 freestanding children’s hospitals in the United States.”); *Nemours Children’s Health Neurologist Receives Prestigious NIH Grant to Study Brain Patterns Underlying Autism, Epilepsy, and Alzheimer’s Disease*, Nemour’s Child.’ Health (Oct. 15, 2025), perma.cc/4G4W-LU4M (receiving a \$2.6 million National Institutes of Health grant); *Grants & Awards*, Nemours Child.’ Rsch., perma.cc/CDD9-BHVV (archived July 2, 2026).

Nemours is subject to Title VI because it receives federal funds and, at a minimum, is “principally engaged in the business of providing ... health care.” 42 U.S.C. §2000d-4a(3)(A)(ii). Its Visiting Scholar Program is also a “program or activity” under Title VI since it is an “operatio[n]” of Nemours. 42 U.S.C. §2000d-4a.

Nemours violates Title VI, willfully causing students of disfavored races to be “excluded from participation in,” “denied the benefits of,” and “subjected to discrimination under,” the Visiting Student Scholar Program “on the ground of race, color, or national origin,” because—in Nemours’ view—they would not adequately help “improve the world.” *See id.*; *Nemours Children’s Visiting Student Scholar Program, supra*. But under Title VI, “the pernicious stereotype that a [minority] student can usually bring something that a [nonminority] person cannot offer” is not a permissible mechanism for deciding which students deserve medical training opportunities. *SFFA*, 600 U.S. at 220. Indeed, *there is no legally justified basis for Nemours’ race discrimination*.³ Nemours’ program thus clearly violates Title VI.

³ The United States Supreme Court has “identified only two compelling interests that permit resort to race-based” action; neither are applicable here. *See SFFA*, 600 U.S. at 207; *see also id.* at n.2 (noting that Title VI claims are analyzed “under the standards of the Equal Protection Clause”) (citing cases).

Nemours' discrimination is also unlawful under the Affordable Care Act. Section 1557 of the ACA incorporates Title VI's prohibitions on racial discrimination and bans race discrimination by "any health program or activity, any part of which is receiving Federal financial assistance." 42 U.S.C. §18116(a). Nemours' conduct thus constitutes an independent violation of the ACA.

Conclusion

Illegal and discriminatory programs like Nemours' "not only violate the text and spirit of our longstanding Federal civil-rights laws," but "they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system." *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order 14173, §1 (Jan. 21, 2025).

For these reasons, Do No Harm requests that the Office for Civil Rights open an investigation into Nemours Children's Health Visiting Student Scholar Program and find that its race discrimination violates Title VI and the ACA. The Office should also consider referring the matter to the Department of Justice for further or concurrent action.

Sincerely,

DO NO HARM, INC.